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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

AMENDMENT TRANSMITTAL

Docket Number
11411/11503

Application No.
10/799,028

Filing Date
March 11, 2004

Examiner
Frank CHOI

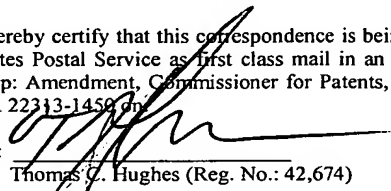
Art Unit
1761

Invention Title:
**FOOD SUPPLEMENT FOR INCREASING LEAN
MUSCLE MASS AND STRENGTH**

Inventor(s)
Paul T. GARDINER et al.

Address to:
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
Thomas C. Hughes (Reg. No.: 42,674)

Date: June 28, 2005

Sir:

1. Transmitted herewith for filing in the above identified patent application is an Amendment and Terminal Disclaimer in response to an Office Action mailed March 29, 2005.

The filing fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA	RATE (\$)	FEE (\$)
TOTAL CLAIMS	40	minus	20	20	50.00	1000.00
INDEPENDENT CLAIMS	4	minus	2	2	200.00	400.00
MULTIPLE DEPENDENT CLAIM ADDED					360.00	0.00
					TOTAL	.00
					TOTAL DUE	1400.00
If the applicant is a small entity under 37 C.F.R. 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL		700.00

2. Please charge the required additional claims fee of **\$ 700.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.

3. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**:

- A. Any additional filing fees required under 37 C.F.R. § 1.16;
- B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
- C. Any additional document supply fees under 37 C.F.R. § 1.19;
- D. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
- E. Any additional miscellaneous fees under 37 C.F.R. § 1.21.

4. Also submitted herewith is an executed Power of Attorney By Assignee of Entire Interest (Revocation of Prior Powers and Appointment of New Power). Please record the Power of Attorney in this application.

5. A duplicate copy of this letter is enclosed.

Dated: June 28, 2005

By: 

Thomas C. Hughes (Reg. No. 42,674)

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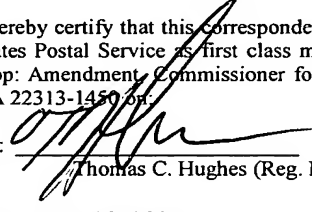
PATENT
11411/11503

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Paul T. GARDINER et al.
Serial No. : 10/799,028
Filed : March 11, 2004
For : Food Supplement for Increasing Lean Muscle Mass and Strength
Examiner : Frank Choi
Art Unit : 1761

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Date: June 28, 2005

AMENDMENT

This response addresses the Office Action dated March 29, 2005. Initially, kindly amend the above-identified application as set forth below.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

07/06/2005 RFEKADU1 00000004 110600 10799028

01 FC:2202 500.00 DA
02 FC:2201 200.00 DA